

**DEFENDANT'S MOTION TO EXCLUDE
PLAINTIFF'S EXPERTS**

EXHIBIT 5: Rule 26 Disclosure of Roland Brown

I have worked in the trucking industry for over 35 years at all levels of management, including middle management, top management and part-owner of trucking companies. Several of those trucking companies operated a wide variety of equipment, including, dry van, refrigerated van, flatbed and tanker trailers. Some have been exclusive truckload-type carriers; however several of these motor carriers have specialized in less-than-truckload (LTL) operations, as well as full truckload operations. Some of these carriers have operated over-the-road equipment between terminals located in various states - some of them nationwide terminal- to-terminal operations.

I am certified by National Committee for Motor Fleet Safety (now North American Transportation Management Institute (a training division of the American Trucking Association) as Certified Director of Safety, Certified Accident Investigator and Certified Driver Trainer. All of these are achieved through personal experience in those fields of work, as well as meeting high standards of testing and a record of proven full knowledge of the programs and procedures of the Training Institute. I stay currently informed on all motor fleet industry safety regulations and industry standards as well as DOT and state regulatory agency regulations. This is accomplished through membership in American Trucking Association, various state trucking agencies and attendance at industry-recognized high quality seminars and other training courses. Further, I am certified as a seminar leader and instructor for 3 industry-leading organizations that emphasize training and conducting specialized training seminars. I have served as expert witness in over 80 cases and in approximately 20 states and in federal court in various jurisdictions. Presently I serve as President of National Trucking Safety Consultants, a sole-proprietorship motor fleet consulting company. Further qualifications are outlined in my curriculum vitae, which is a part of this report and attached to this report.

My opinions will be based on my professional work background and experience, my formal training and my specialized instruction at seminars, safety conferences and safety meetings. Further, my opinions will be based on the documents listed separately and made a part of this report. Plaintiff reserves the right to supplement these opinions and provide rebuttal testimony to Defendant's experts. Plaintiff further reserves the right to supplement these opinions as additional discovery is obtained.

APPLICABLE MOTOR CARRIER REGULATIONS

According to information and belief, Defendant Benton Express, Inc., (Benton) held USDOT No. 92694, and ICC MC No. 110410, authorizing transportation of general commodities between points and places in several states and had physical terminal locations in several southeastern cities in the United States. These facts make them subject to various state regulations governing the motor carrier industry and to 49 CFR Code of Federal Regulations - Transportation (DOT regulations). The states in which Benton operates have adopted these federal regulations as state regulations.

FACTS RELATED TO THE ACCIDENT IN QUESTION

Through information and belief, a driver employee of Benton, Craig Anthony Stephens (Stephens), was dispatched and directed by Benton to take a trailer of freight from their Pensacola, FL, terminal, to their terminal in or near Atlanta, GA. He left Pensacola sometime during the night of Friday, April 8, 2005. He went to the Benton terminal in Atlanta and dropped the trailer of freight he brought from Pensacola. He picked up the trailer of freight he was dispatched by Benton to take back to Pensacola, FL. This is the last report of his whereabouts or his location known to me through information I have reviewed until a violent crash occurred on I-85 southbound ramp, in Montgomery, AL, near I-85 intersection with the southbound lanes of I-65 southbound. At this point, at approximately 6:05 a.m. on Monday, April 11, 2005, Benton's tractor-trailer, driven by employee Stephens, crashed through the guardrail/jersey wall on the right hand side of the exit ramp of I-85 southbound, going through the barrier and falling down onto a car, driven by Ronald Tyrone Roby, traveling in a southbound lane of I-65, which was below the exit ramp from which the Benton truck came through the barrier.

After the tractor-trailer fell onto the vehicle driven by Roby, a fire erupted. All vehicles were heavily damaged and parts of the roadway was damaged as a result of the violent collision that was caused when Benton's tractor-trailer went through the exit ramp barrier and fell onto I-65 south that is located below the exit ramp (I-85/I-65 interchange), on which Stephens was driving Benton's tractor-trailer and onto the vehicle, driven by Roby. As a result of Benton's tractor-trailer going through the barrier and dropping to the lanes of I-65 southbound beneath its original route, and the fire that resulted, both Stephens and Roby were killed.

OPINIONS OF ROLAND BROWN

- Benton is a general commodities, less-than-truckload motor carrier, operating under operating authority granted by the Interstate Commerce Commission and governed by 49 CFR, Code of Federal Regulations - Transportation, Part Nos. 300-399 (DOT regulations), as well as state regulations. As such, Benton is responsible for the compliance of all the regulations and to assure that all their employees, agents, and representatives comply with the regulations.
- One part of the DOT regulations is Part No. 395, entitled "Hours of Service of Drivers." This part requires drivers to accurately record in a format called "Driver's Daily Log", which is a graph that has a line for "Off Duty"; "Sleeper Berth"; "Driving"; and "On Duty (not driving)." Drivers are required to maintain Driver's Daily Logs for every 24-hour period of the month, while employed by a motor carrier under this regulation. The driver is required to draw a continuous line from the beginning of the 24-hour period until the end of the 24-hour period. Such line should be drawn on the line that reflects what his/her activity was for

that time of day. There are other parts of the Driver's Daily Log form that require the driver to complete accurately and completely, as described in DOT Part No. 395. In the case of Stephens' logs, he shows numerous days of activity in which he traveled from Pensacola, FL, to Tallahassee, FL, and return. Based on my research, the total distance for a roundtrip of this type is approximately 390 miles. Stephens shows on several logs the total miles driven on a day when he did a Pensacola-Tallahassee roundtrip to be 378 miles, and he does that trip in 6 hours every time he makes the trip. On many other occasions, Stephens shows the total miles driven when he made that roundtrip to be 184 miles. (Numerous examples of this are evidenced in Stephens' Driver's Daily Logs for January, February and March, 2005) In every case, however, he always shows driving 3 hours in each direction, regardless of the time of day, the day of the week or any other circumstances. It is my opinion that no truck driver can make the same trip each and every time in exactly the same amount of time. Weather, traffic conditions, possible construction zones, etc., will cause variable times to run trips. I have seen no evidence that indicates Benton called this matter to Stephens' attention or warned him in any way. They knew or should have known this was not reasonable and, in all probability, represented a falsification of a Driver's Daily Log. In any event, it should cause suspicion and call for an inquiry. This shows a lack of corporate control and proper monitoring and supervision of the actions and conduct of Benton's drivers. Similarly, Stephens would reflect on his Driver's Daily Logs on Pensacola-Atlanta-Pensacola roundtrips that he made that trip in 10 hours every time - 5 hours from Pensacola to Atlanta and 5 hours from

Atlanta to Pensacola, even though he had to drive in traffic getting from the Atlanta terminal to interstate highway where the speed limit is raised and he would have to go through some amount of traffic, even on I-85 interstate near cities, and had to go through the middle of Montgomery, AL, on I-85, to connect with I-65. Further, the Pensacola Benton terminal is off I-65 by approximately 64 miles, on roads where the speed limit is 55 mph or less; yet Benton permitted, allowed and condoned this type driving habits from its driver, Stephens.

- A careful, safe and prudent motor carrier that demonstrates proper attention and emphasis on safety of its drivers monitor actions and activities of their drivers and issue warnings, up to and including disciplinary action against drivers who consistently falsify their records. To allow Stephens to regularly reflect that he is averaging 60 mph or more on many trips shows lack of monitoring and the lack of taking action to assure that Stephens is operating their vehicle at safe speeds at all times and keeps his Driver's Daily Logs properly and accurately. According to studies by the National Safety Council, as well as the National Highway Transportation Safety Board, a commercial motor vehicle driver (truck driver) must regularly travel at speeds 9 - 15 mph faster than what is reflected as "average speed" due to slowdowns in traffic, merging traffic, weather conditions, or other speed-reducing factors. This would reflect that Stephens had a habit of traveling at speeds from 69 - 75 mph. in order to consistently average 60+ mph. on trips, which is impossible if the truck had a governor on it that would prevent the driver from going over 62 miles per hour.

- A part of the website of Benton entitled "*About Us*" "*Welcome to Benton Express!*" emphasizes the "current technological advancements" (it does not identify such technology) of Benton; however, one of the most common technological advancements known in the transportation industry for several years and in other motor vehicles is "global tracking systems." Global tracking systems have been in use for over 20 years and, since 1988, this has been a vital tool used by careful, safe and prudent trucking companies for several reasons. One reason is to have instant contact (communications) with their drivers. This system has a communication, either verbal or written, as a part of it. Another important part of global tracking systems is to have the ability to locate any piece of equipment instantly from the base center. This also provides a carrier with ways to determine at what speeds their trucks are going, by tracking them on the tracking system. For customer service benefit, this system allows customer service representatives to know the whereabouts of any truck that may be hauling a shipment, which is being tracked or traced by a customer. This would have provided Benton a way to determine the location of Stephens' truck at any and all times between the time it left Pensacola on Friday, April 8, and the time they began searching for it and reporting it missing at approximately 2:00 p.m., on Saturday, April 9. It would also have allowed them to have known the truck was not where it was dispatched or directed to be, in that it was just returning through Montgomery on Monday, April 11, at 6:05 a.m. By knowing its whereabouts through commonly used technological systems, such as QualComm, OmniTracs(tm) (which has been used by many carriers similar to Benton,

beginning in 1988), and Benton could have relieved Stephens of duty, prevented him from moving the truck and assigned another driver who would have safely driven the tractor-trailer, something Stephens did not do.

- DOT Part ¶395.3 concerns the driving time for property-carrying vehicles. An interpretation of this regulation by J. J. Keller & Associates, Inc., Neenah, WI, a leading authority on DOT regulations and safety issues of motor carriers, and the company that has been assigned the responsibility of publishing safety and regulatory agency guidelines by the American Trucking Association, has interpreted this part as follows:

Question: *"Are motor carriers liable for the actions of their employees even though the carrier contends that it did not require or permit the violations to occur?"*

Guidance: *"Yes. Carriers are liable for the actions of their employees. Neither intent to commit, nor actual knowledge of a violation is a necessary element of that liability. Carriers "permit" violations of the hours of service regulations by their employees if they fail to have in place management systems that effectively prevent such violations."*

- It is my opinion that Benton is responsible for the actions of its driver, Stephens, as long as he is under their dispatch. Stephens was dispatched by Benton to take a Benton trailer of freight from their Pensacola, FL, terminal to Atlanta, GA on Friday night, April 8. He dropped that Benton trailer at the Atlanta terminal, and picked up another Benton trailer of freight to bring back to their Pensacola terminal as instructed by Benton. He was in the process of performing these

duties, and was on and about the business of Benton, when this accident occurred in Montgomery, AL, on Monday, April 11, at approximately 6:05 a.m. He was on his regular route. He had contacted the terminal Sunday, April 10, and informed them that he could not make that run on Sunday. I have seen no evidence to indicate that, at any time during that period of time, Stephens asked to be relieved of duty and at no time did Benton relieve him of duty. All of the above supports my opinion that Craig Stephens was in the line and scope of his employment.

- **Benton Driver & Cargo Security Policy** (beginning with Bates Benton Stamp #083), Scope states, *"The following security guidelines and procedures apply to all work/load assignments. All drivers and non-driving personnel will be expected to be knowledgeable of, and adhere to, these guidelines and procedures when performing any load-related activity for Benton Express, Inc."* Page 3 of that same document outlines specific duties of drivers while in transit. Bullet point No. 7 of Page 3 states, *"Drivers are expected to maintain regular communications with the company while in transit. Any incident of drivers failing to check in when required shall be assumed to be suspicious and highly irregular. Immediate action shall be taken in such situations."*

Additional instructions are given to drivers on the Driver Daily Trip Log, which are entitled "Operating Policies." The first item is "CALL YOUR SUPERVISOR" and gives instructions for calling in. In spite of these policies and procedures, I have seen no evidence where Benton had required Stephens to report in during any of these trips, especially these roundtrips from Pensacola to Atlanta and return. I have seen no evidence that Benton required, instructed or

expected Stephens to report into his supervisor over this 10-hour period, which, in my opinion, is a falsification of records, to report this run can be made within 10 hours every time and at all times of the day, night or whatever the day of the week the trip may have been made. In keeping with Benton's policy, which is a good requirement and in keeping with industry standards, Stephens was required to check in, but Benton did not enforce this policy or requirement. It is common practice and normal operating procedure for a driver to report into his domicile or his central dispatch at regular and specified periods of time. That is a good business practice and one that assures the company of knowing the whereabouts of its drivers while in transit. Benton had not set a scheduled time for Stephens to return to Pensacola. A good, safe, prudent trucking company would have scheduled times for departure and arrival at any point - not just leave it up to a driver with whom they do not enforce a policy or procedure for the driver checking in. Benton should have had a procedure and policy in place for scheduled times.

- Benton Express should have had policies and procedures that would have identified specific actions to take, such as, to contact authorities at the last known location of the employee, in each city or location along the employee's route who is missing, late, sick, lost, abandoned the job, or was stealing its equipment. Mr. Brown will also opine that if Benton Express had followed its own written policies and procedures, Mr. Stephens would have been relieved of his duties once he reached the Atlanta terminal; thus this wreck with multiple fatalities and substantial property damage would have been prevented.

- Since Benton did not follow good, sound and safe industry policies and their own policies of reporting in at regular intervals, Benton knew nothing of the whereabouts of Stephens from the time the guard signed him out of the Atlanta terminal until the time of this accident, which was over 50 hours. Benton did not within a reasonable time initiate any type search or research for a missing driver, tractor and trailer. Benton knew 10-12 hours after Stephens left Pensacola that he was missing or delayed, since he was already expected back in Pensacola Saturday morning. After all, he always drives that trip in 5 hours, according to all their paperwork. Benton failed to follow its own policies and procedures on this trip and on other trips. Stephens had not been properly trained and had not been sufficiently instructed in the necessity of regular and systematic call-in procedures; otherwise, he would have been calling in on all these other roundtrips he made to Atlanta. Based on Benton's policies and procedures, Mr. Stephens should have been relieved once he arrived at the Atlanta terminal because he was not in regular communication with his dispatcher or terminal manager.
- Benton should have made contact first with police authorities in the location of his last known whereabouts - Atlanta, GA. At approximately 2:00 p.m. on Saturday, April 9, Glen Clark (Clark) had communication with the Florida Highway Patrol Communications Center in Tallahassee, FL. The spokesperson for the Florida Highway Patrol instructed Clark to contact the Georgia State Police and the Alabama Highway Patrol, which Clark should have known to do. He then had a later telephone conversation with the Florida Highway Patrol Communications Center and was advised they would put out a bulletin,

concerning the missing driver, tractor & trailer. It was not until Sunday, April 10, that any report was made to the Atlanta Police, when an incident report was made. Atlanta was his last known whereabouts. A question is why did Benton personnel not begin at that point.

- According to Stephens' Driver's Daily Logs and the recap of parts of February and March, 2005, Stephens violated the 70-hour rule (DOT Part §395.3 (b) for 3 consecutive days - March 2, 3 and 4, 2005. These 3 days of 70-hour rule violations occurred the 4 days after Stephens had done a weekend Atlanta roundtrip. It is my opinion Stephens was pushing too hard and pressing his hours of service too close and Benton allowed him to do so. He has other examples where he was very close to the allowed number of hours (February 5, February 26, January 7, and January 21, 2005). The February dates reflect days in which Stephens did the Atlanta turnarounds. All of this is predicated on whether or not the hours shown are correct, in light of the mileages he traveled, which, in my opinion, are not possible in many cases.
- Stephens was on and about the business of Benton at the time of this accident. As stated earlier, he had not requested to be relieved of duty and Benton had not relieved him of duty. Further, after the occurrence of this horrible accident and the death of Mr. Stephens and Mr. Roby, Benton filed a Workmen's Compensation Claim on behalf of their employee, Stephens' survivors, which was the proper action to take. Worker's compensation payments are made only if the employee is determined to be in the line and scope of employment. Stephens had taken Benton's load of freight to Atlanta, as instructed by Benton, and Stephens

was en route back to Pensacola with Benton's load of freight when this accident occurred.

The opinions expressed herein are expressed with a reasonable degree of professional certainty within the trucking industry.

I have caused this report of my opinions to be prepared and it is true and correct to the best of my knowledge. I reserve the right to amend, append or revise this report when other materials are provided to me through further discovery.

INITIAL PRELIMINARY REPORT OF OPINIONS
BY M. P. STIRLING

Ms. M. P. Stirling, 9 Crestwood Court, Millbrook, Alabama, 36054. Ms. Stirling may be called to testify as an accident reconstructionist at the trial of this matter. Ms. Stirling was a State Trooper for the State of Alabama for sixteen (16) years and investigated numerous accidents during this time. Ms. Stirling has completed over 1000 hours of specialized education in the field of accident reconstruction. Ms. Stirling's expert opinions will also be based on her work experience as an Alabama State Trooper as well as her educational background which are set out more fully in the attached CV. Plaintiff reserves the right to supplement these opinions and provide rebuttal testimony to Defendant's experts. Plaintiff further reserves the right to supplement these opinions as additional discovery is obtained.

Ms. Stirling will offer opinions concerning accident reconstruction in this matter. Ms. Stirling may testify further concerning the speed, direction, and path of the truck and its final point of rest. Ms. Stirling will also discuss other elements of accident reconstruction, such as perception and reaction time or the lack thereof of a driver such as Mr. Roby or Craig Anthony Stephens based on the circumstances of the wreck. Ms.

Stirling will also give opinions concerning the direction and location of Mr. Roby at the time of the wreck and the direction and location of Benton Express' employee Craig Anthony Stephens immediately before the wreck. Ms. Stirling may also opine about Benton's contact with authorities and the timing of that contact and what authorities can do based on the reports made by Benton.



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Attorney for Plaintiffs

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(334) 269-2343

CERTIFICATE OF SERVICE

I hereby certify that I have electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following on this the 30th day of September 2005.



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ALSO ADMITTED IN ARIZONA
ALSO ADMITTED IN ARKANSAS
ALSO ADMITTED IN FLORIDA
ALSO ADMITTED IN GEORGIA
ALSO ADMITTED IN KENTUCKY
ALSO ADMITTED IN MINNESOTA
ALSO ADMITTED IN MISSISSIPPI
ALSO ADMITTED IN NEW YORK
ALSO ADMITTED IN OHIO
ALSO ADMITTED IN OKLAHOMA
ALSO ADMITTED IN SOUTH CAROLINA
ALSO ADMITTED IN TENNESSEE
ALSO ADMITTED IN TEXAS
ALSO ADMITTED IN WASHINGTON, D.C.
ALSO ADMITTED IN WEST VIRGINIA

JAMES W. TRAEGER
1953-1987

RONALD AUSTIN CANTY
1963-2004

September 30, 2005

Gregory A. Brockwell
*Carr, Allison, Pugh, Howard,
Oliver & Sisson, P.C.*
100 Vestavia Parkway, Suite 200
Birmingham, Alabama 35216

Re: *Hazel Roby v. Benton Express, Inc.*

Dear Greg:

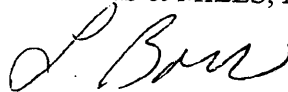
I would ask that you supplement your client's responses to the following interrogatories and requests for production:

Interrogatory numbers 49 and 50.
Requests for Production numbers 62, 63.

It is Plaintiff's contention, in light of your allegations that Craig Anthony Stephens was not acting in the line and scope of his employment, that any and all documents, communications, and any other information relating, referring to, or regarding worker's compensation payments to Mr. Stephens' widow are fully discoverable. If you will not agree to produce this information, please advise so I can seek the Court's intervention.

Sincerely,

BEASLEY, ALLEN, CROW, METHVIN,
PORTIS & MILES, P.C.



LABARRON N. BOONE

LNB/drj

Roland B. Brown

**P. O. Box 5840 – 2430 Knotty Pine Drive
Navarre, FL 32566**

**Tel. No. (850) 939-8926 – Fax No. (850) 939-5853
e-mail: rolandbrown@mchsi.com**

Curriculum Vitae

Name

Roland B. Brown

Address

**National Trucking Safety Consultants,
P.O. Box 5840, Navarre Florida 32566; 850-939-8926**

Present Title

Transportation Safety Consultant

Duties

Consult with trucking fleet operations re hiring, training and supervising truck drivers; compliance with DOT, OSHA, HazMat and Environmental regulations; with attorneys re accident investigation, driver qualifications, safety programs, and industry standards of the trucking industry

**Education and
Degrees**

1959, BS, Business Administration, Samford University

1973 & 1976, Safety Supervisor Seminars, Alabama Trucking Association, Pennsylvania State University and National Committee for Motor Fleet Safety, co-sponsors

1977, Accident Investigation Seminar, North Carolina Motor Truck Association and North Carolina State University, co-sponsors

Certificates of Completion, Safety Supervisor Seminars and Accident Investigation Seminars, at Pennsylvania State University, State College Pennsylvania, and North Carolina State University

1993, Certificate of Completion, American Trucking Association, North American Transportation Management Institute of Safety Supervisor Seminar, University of Alabama

1999 & 2002, Certificate of Completion, American Trucking Association, North American Transportation Management Institute of Safety Supervisor Seminar, Richmond, Virginia

Certified Director of Safety by National Committee for Motor Fleet Safety, State College Pennsylvania

Licenses:

Certified Director of Safety, Penn State University and National Committee for Motor Fleet Safety

Certified Accident Investigator, Florida State University and National Committee for Motor Fleet Safety

Certified Driver Trainer, North Carolina State University and National Committee for Motor Fleet Safety

Teaching Experience

1976-1978, Instructor, Safety Supervisor Seminars, Alabama Trucking Association, Pennsylvania State University and National Committee for Motor Fleet Safety, co-sponsors

1978, Instructor, Accident Investigation Seminar, State Trucking Associations, North Carolina State University, and Florida State University, co-sponsors

Job Experience

1961-1963, Regional Safety Supervisor, Hall Motor Express, Inc., Birmingham, Alabama

1965-1969, Regional Safety Supervisor & Divisional Manager, Bowman Transportation, Inc., Atlanta, Georgia

1973-1976, Vice President/Safety & Personnel, Howard Hall Co., Inc., Birmingham, Alabama

1976-1978, Director of Safety & Personnel; 1978-1979, Vice President/General Manager, Colonial Fast Freight Lines, Inc., Birmingham, Alabama

1979-1981, Vice President/General Manager, Super Truckers, Inc., Birmingham, Alabama

1981-1983, Vice President/Southern Division, Maislin/Gateway Transportation, Montreal, Canada

1983-1984, Vice President/Southern Division, American Trans-Freight, Inc., Morristown, Pennsylvania

1984-1985, Vice President/Southern Division, SM Transport, Inc., Camp Hill, Pennsylvania

1986-1990, Director of Transportation/National Sales Manager, Coral Industries, Inc./Central Alabama Transport, Inc., Tuscaloosa, Alabama

1990-1995, Vice President/Sales, Coral Industries, Inc., Tuscaloosa, Alabama

1995-1997, National Sales Manager, Gral Corporation, Upper Marlboro, Maryland

1998-2002, Chief Operating Officer, Virginia Tank Lines, Fredericksburg, Virginia

1985 to present, President/Owner, Roland B. Brown Transportation Consultant, nka National Trucking Safety Consultants

Consultant to Alabama Public Service Commission in driver's qualifications and safety regulatory compliance

Consultant to Georgia Public Service Commission; re: driver qualifications and equipment maintenance procedures

Consultant to Florida Public Service Commission; re: record keeping, accident investigation and records relative to accident reports, and in matters concerning driver qualifications and personnel files

Associations and Societies

American Trucking Association
National Safety Council
Maryland Motor Truck Association
Virginia Trucking Association
Alabama Trucking Association
Georgia Motor Truck Association
Mississippi Trucking Association

Publications

Honors

1977, Special Commendation from Governor, State of Alabama, for special service rendered in Highway Safety Program
1976, Safety Director of the Year, State of Alabama, in recognition for developing and maintaining a Safety Department and program above normal standards and taking a leadership role in trucking industry safety
1979, Trucking Executive of the Year, State of Alabama

Other Pertinent Information

2001 – Certified by North American Management Training Institute as an instructor to teach their curriculum in 1-week & 2-week seminars & training assignments. Regularly hold seminars at the request of NAMTI throughout the East Coast area.
2003 – Certification and Examination for renewal of Certified Driver Trainer by North American Management Training Institute – Richmond, VA. Regularly hold seminars at the request of NAMTI in driver training throughout areas east of the Mississippi River.
2002 – Certified by Smith System Truck Driving Institute as an instructor to teach their seminars and training assignments in the areas of accident prevention, DOT compliance, and adverse weather driving conditions. Regularly hold seminars and training sessions at the request of Smith System Truck Driver Institute on all or parts of their program.
2004 – Re-certification Seminar and Examination by North American Management Training Institute as a Certified Director of Safety – Atlanta, GA. Hold seminars at least 2-3 times per year in the “Re-Certification program of NAMTI and am qualified to issue re-certification of Certified Director of Safety Certification.

National Trucking Safety Consultants

Over 35 years experience in the trucking industry
Consulting in fleet management, fleet safety & general management procedures

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**CASES IN WHICH ROLAND B. BROWN HAS TESTIFIED
DURING THE PAST FOUR (4) YEARS**

(Revised September, 2005)

- 2001 **U. S. District Court for the Western District of Virginia (Charlottesville Division)**
In the United States District Court for the Western district of Virginia Charlottesville Division - Case No. 3: 01CV00016
Candisse Reynolds, vs. Mastec North American, Inc., and Mastec, Inc.
Attorney Joshua D. Silverman - Williamson & Lavecchia, L. C.; Richmond, VA
(Testified for the plaintiff concerning plastic pipe coming off a truck)
- 2002 **Circuit Court of Jackson County, West Virginia**
In the Circuit Court of Jackson County, WV - Case No. CA 01-C-02
Yu Mei Wen and Yu Zeng Kang, vs. Great American Lines, Inc., Isacc Hildreth, Roger Hildreth, and John Martin
Attorney Darin C. James and Attorney John A. Grafton, Winfield, WV
(Testified for the plaintiffs concerning improper use of commercial vehicle and improper passing)
- 2002 **In the State Court of Liberty County, State of Georgia**
State Court of Liberty County, GA - Case No. 01-SV-5727
William & Juanita Christian, vs. Robert S. Keene and Southeast Logging, Inc.
Attorney Keri P. Ware - Nix, Delcampo, Thornton & Graddock, P. C. Decatur, GA;
and Charles N. Simkins - Charles N. Simkins, P. C., Northville, MI
(Testified for the plaintiffs concerning log truck hauling improperly secured load and failure to obey DOT regulations)
- 2002 **United States District Court For the Southern District of Ohio**
Western Division at Cincinnati
United States District Court For the Southern District of Ohio
Western Division at Cincinnati - Case No.: C-1-01-563
Jacqueline Sanders, et al., vs. Melton Truck Lines, Inc., et al
Attorney Maria P. Sperando - Gary, Williams, Parenti, Finney, Lewis, McManus, Watson & Sperando, Stuart, FL
(Testified for the plaintiffs concerning improper hiring, training, supervision and training of drivers and negligent entrustment of vehicle)

(Cont.)

Page Two
Cases in which Roland B. Brown has testified

- 2003 **In the District Court of the Fourth Judicial District of the State of Idaho,
In and For the County of Ada
Case No. CV PI 0000536D**
Craig M. Ashcraft and Julie Ashcraft, et al. vs. Great Western Chemical Co,
a Washington Corporation, All Pure Chemical Co., a California Corporation,
Trans-System, Inc., a Washington Corporation, et al.
Attorneys David E. Comstock - Comstock & Bush, Boise, ID &
Attorney Melton L. Crawford - MacDonald, Hoague & Bayless, Seattle, WA
(Testified for the plaintiffs against trucking company hiring, training, supervising
and proper handling and loading/unloading of chemicals)
- 2003 **In the Circuit Court of the 20th Judicial Circuit in and For Collier County, FL
Case No. 01-3589-CA**
Margaret Grassman, as Plenary Guardian of Jack Grassman vs.
Jorge Bayo, Associates Leasing, a Foreign Corporation and Neff Rental, Inc.,
a Florida Corporation
Attorney Gregory D. Prysock - Morgan, Colling & Gilbert, P. A., Jacksonville, FL
(Testified for the plaintiffs concerning the improper training of truck driver in
handling a vehicle broken down or pulled off roadway, prior to re-entering travel
lanes)
- 2003 **In the Superior Court of Cumberland County (SS), State of Maine, Civil Action
Docket No. CV 02-481**
Marianne Guerin, Plaintiff, vs. Blow Bros. Inc.; U. S. Liquids, Inc.; St. Hilaire
Bros. Construction and Rosenthorpe Realty, Inc., Defendants.
Attorney Robert O. Newton -- Preti, Flaherty, Beliveau, Pachios & Haley LLC,
Portland, ME
(Testified for the plaintiff against driver qualifications, training and the operation
of a motor vehicle in fleet operation and lack of keeping a proper look out for
others (pedestrians))
- 2003 **In the Circuit Court of Neshoba County, MS, Civil Action No. 01-CR C016, NS-
G , George Williams and Betty Williams, vs. Flozell Beamon, Eric Martin and
Billy Sanders d/b/a B. R. Sanders Trucking.**
Attorney Don H. Evans, Don Evans, Counselors and Attorneys at Law,
Jackson, MS
(Testified for the plaintiffs concerning the proper, safe and careful operation of a
commercial motor vehicle when entering a dangerous intersection)

(Cont.)

Page Three

Cases in which Roland B. Brown has testified

- 2003 **Superior Court Judicial District of New London at New London, Docket No. CV 02 0562492 S**, Loretta Lowden, Plaintiff, v. William Carter, et al., Defendants
Attorney James A. Hall IV, Trebisacci & Reck, L.L.C. for the Plaintiff,
Pawtucket, CT 06379
(Testified for the plaintiff concerning the improper safety function, safety program and training program of a trucking company; also, concerning maintenance of equipment)
- 2003 **STATE OF ILLINOIS, In the Circuit Court of Cook County, IL, COUNTY DEPARTMENT LAW DIVISION - Case No. 01 L 010191**
Laura Kohlhaas & James Kohlhaas, Plaintiffs, v. Menard's, Inc., a Wisconsin corporation and Norm Peters, d/b/a Diamond Transport
Power, Rogers & Smith, L.L.P., Attorneys at Law, Devon C. Bruce, Esquire
(Testified for the plaintiffs concerning responsibilities of home delivery services in making home delivery of products)
- 2003 **IN THE CIRCUIT COURT OF HAMILTON COUNTY, CINCINNATI, OH IN THE COURT OF COMMONPLEAS, Case No. CV03-01-0054**
Beatrice Lawson, Individually and as Executor of Administrator of the Estate of Charles Lawson v. Rumpke Transportation Co., L.L.C., Rumpke Consolidated, William Rumpke, Thomas Rumpke, et al
W. Keith Noel, Attorney at Law and Matthew Buck, Attorney at Law, Keating, Muething & Klekamp, P.L.L., Attorneys at Law, Cincinnati, OH
(Testified for the defendants concerning retention of driver and the quality of Safety, Training and Supervisory Departments of a motor fleet)
- 2003 **IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, STATE OF MD (Case No. 236812-V)**
Carol Arscott, et al., Plaintiffs, v. Uptown Trucking, Inc., C. T. Curtis Transportation, Inc. and Great American Lines, Inc., et al
Bradley A. Wright, Attorney at Law and Marshal M. Pitchford, Attorney at Law, Roetzel & Andress, Attorneys at Law, Akron, OH
(Testified for the defendant, Great American Lines, Inc. concerning the brokerage of a load and proper qualification of the motor carrier utilized)
- 2004 **IN THE UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT OF OHIO, EASTERN DIVISION, (Case No. 2:02 CV 678)**
Daniel K. Balaloski, Administrator for the Estate of Dennis E. Redlinger, deceased, et al, Plaintiffs, v. Louis R. Ray, Gilster Mary Lee Corporation, et al, Defendants
Charles H. Lease, Attorney at Law - Ricketts & Company, P. A. Columbus, OH
(Testified for the plaintiff concerning hiring, training, supervision of drivers and inspection/maintenance of equipment)

(Cont.)

Page Four
Cases in which Roland B. Brown has testified

- 2004 **IN THE UNITED STATES DISTRICT COURT, MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION (Case No. CV-03-A-237-N)**
Dana Holmes, Plaintiff, v. Andre Parker and U. S. Foodservice, Inc., Defendants
J. Farrest Taylor, Attorney at Law - Cochran, Cherry, Givens & Smith, L.L.P.
Attorneys at Law, Dothan, AL
(Testified for the plaintiff concerning the proper training of drivers and instructions/training concerning driving in inclement weather)
- 2004 **IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS, Civil Action 02-12482NG**
Isabella Swenson, Magi Ramy-Swenson and Eric Swenson, Plaintiffs v. Yellow Transportation, Inc., George Thing, et al, Defendants
Attorney Mark Shaughnessy, Boyle, Morrissey & Campo. P.C., Boston, MA
(Testified for the defendant concerning the safety and training programs of a motor carrier with regard to driving in heavy traffic and proper merging of traffic)
- 2004 **COMMONWEALTH OF KENTUCKY, MASON CIRCUIT COURT
CIVIL CASE NO. 00-CI-00065**
Christy Burton v. Robert D. Penfold, Jr. and Bennett Trucking, Inc.
Attorney Andrew Wood, Wood, Wood & Young P.S.C., Maysville, KY
(Testified for the plaintiff concerning the training of drivers in approaching intersections, keeping watch out for other traffic and speed control)
- 2004 **IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA
CASE NO: CV-03-4243**
Gregory Burnside, Plaintiff v. McGriff Tire Company, Inc., et al, Defendants
Attorney Frank Alfano; Emond, Vines, Gorham & Waldrep, P. C.,
Bessemer, AL 35020
(Testified for the plaintiff concerning the training of employees of "distracted driving practices", particularly use of cell phones)
- 2004 **In the United States District Court, Eastern District of Pennsylvania
Docket No. 03-5813**
Claudia McNabb, Plaintiff, v. Schneider National Carriers, Inc., Defendant
Attorney David M. Kozloff; Kozloff & Stoudt, Attorneys at Law,
Wyomissing, PA 19610
(Testified for the plaintiff concerning a driver's responsibility to properly inspect equipment and the removal of any hazards, to motoring public, from equipment)

(Cont.)

Page Five
Cases in which Roland B. Brown has testified

- 2004 **In the Circuit Court of the Thirteenth Judicial Circuit
In and for Hillsborough County, State of Florida, Civil Division
Case No. 02-10943**
Jack Maddox, Plaintiff, v. Cemex, Inc., Florida Mining Corp. and Norman Phillips
Jeffrey D. Murphy, Attorney at Law, Pitisci, Dowell, Markowitz & Murphy
Attorneys at Law, Tampa, FL 33602
(Testified for the plaintiff concerning hiring, training, supervising and warnings
concerning hazardous working conditions - a responsibility of a motor fleet
operation)
- 2004 **In the United States District Court for the District of Delaware
Case No. 04-57-KAJ**
Sherri L. & Harvey Fisher v. Overflo Warehouse, LLC, Overflo Warehouse, Inc.,
and Gerald Murdoch
(Testified for the plaintiff in unloading of merchandise and responsibility of
motor carrier to assure the safety of others in unloading)
- 2004 **District Court of Clarke County, NV, Case No. A-442848, Dept. No. XV**
Lynn Romanoff, an Individual and the Estate of Nicholas Romanoff
v. Stewart & Sundell, a Corporation; and Francisco Pulido, an individual
Scott B. Van Alfen, Attorney at Law - Law Offices of Bennion & Clayson,
Las Vegas, NV 89144
(Testified for the defendants concerning the Company's training program, its
supervision of drivers and the safety precautions taken by motor fleet operator)
- 2004 **United States District Court, Western District of Kentucky
Civil Action No. 02-CV-00174-R, Paducah Division**
James Banks, Plaintiff, v. Mark A. Woodard and New Farmers
Transportation Company, Inc., Defendants
James A. Sigler, Attorney at Law - Whitlow, Roberts, Houston
And Straub, PLLC, Attorneys at Law, Paducah, KY 42001
(Testified for the defendants concerning the training and supervision of drivers
in making local deliveries and keeping proper watch out for others and to warn
others of danger)

(Cont.)

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Cases in which Roland B. Brown has testified

2004

**IN THE General Court of Justice, Superior Court Division
North Carolina, Guilford County, Case No. 03-CVS 12113**

Christopher R. Brennan, Plaintiff; v. Old Dominion Freight Line, Inc.
Keith O. Hodge, and Anthony D. Pinnix, Defendants, and Third-Party
Plaintiffs, v. Jeffrey Scoggins, and Keith D. Sharpe, Individually and
d/b/a Carolina Fleetwash, a Sole Proprietorship, Third-Party Defendants
Law Offices of Joseph J. Perez, Attorney and Counselor at Law - Joseph J. Perez,
Attorney, Norfolk, VA 23510
(Testified for the plaintiff, Christopher R. Brennan, concerning the carelessness,
reckless and negligent operation of a vehicle while it was being serviced (washed))

2004

**IN THE CIRCUIT COURT OF MOBILE COUNTY, AL
Case No. CV-03-1461**

Paul Arnold and wife, Ruth Arnold, Plaintiffs, v. Degussa Corporation, an
Alabama corporation; Montgomery Tank Lines, Inc., an Illinois corporation, et al,
Defendants
Turner, Onderdonk, Kimbrough & Howell, P. A., Attorneys at Law - David
Michael Huggins, Attorney, Mobile, AL 36604
(Testified for the plaintiffs, Paul Arnold and wife, Ruth Arnold, concerning the
responsibility of a shipper, who supplied trailers, to provide safe and adequate
trailers to assure the safe transportation of their product)

2004

**IN THE CIRCUIT COURT OF THE NORTH JUDICIAL CIRCUIT,
IN AND FOR ORANGE COUNTY, FLORIDA**

Case No. 2003-CA-5648 Division 37

Jon M. Vanderley, as Personal Representative of the Estate of
Wesley S. Vanderley, deceased, Plaintiff
v. Carlo Singh and Kaylan Trucking of Orlando, Inc.,
a Florida Corporation, Defendants

William G. Osborne, P. A., Attorney at Law, William G. Osborne, Attorney

(Testified for the plaintiff concerning proper hiring, training, supervision and
overseeing the daily safety activities of construction workers, including drivers of
motor fleet equipment)

(Cont.)

Page Seven

Cases in which Roland B. Brown has testified

- 2005 **IN THE CIRCUIT COURT OF THE COUNTY OF LAPEER
STATE OF MICHIGAN - Case No. 03-033836, NP (H)
Hon. Nick O. Holowka, Consolidated with Case No. 01-030296**
Connie Navarro, as guardian and conservator of James Navarro,
as next friend of Isabella Navarro and Individually, Plaintiff
v. Johnnie Lee Wilson, Triple Crown Services Company;
Holland USA, Inc.; Nucor Corporation; and Heidtman Steel
Products, Inc, Defendants
The Thurswell Law Firm, Southfield, MI Attorneys at Law;
Milton H. Greenman, Attorney
(Testified for the plaintiff concerning the lack of safety program supervision of
drivers, maintenance of equipment, re-training of drivers and regular updating of
safety program)
- 2005 **IN THE CIRCUIT COURT, FOURTH JUDICIAL CIRCUIT, IN AND FOR
DUVAL COUNTY, FLORIDA, Case No. 01-04478-CA, Division CV-F**
James Kevin Stanton, Plaintiff; v. Jaxport Express, Inc., d/b/a Gator City
Taxi, and David Lee Wise, Defendants
Law Offices of Richard Kuritz, Richard Kuritz, Attorney at Law,
Jacksonville, FL 32216
(Testified for the plaintiff, relative to motor fleet driver hiring, training,
supervising and re-training of drivers and in discipline of motor fleet drivers.
Also testified as to proper requirements and qualifications in retaining drivers.)
- 2005 **IN THE CIVIL COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX, INDEX NO. 1357/02**
Phillipe Albino, Plaintiff v. Foam Products Corporation
and R & S Transportation Company, Defendants
Chao & Edelson, L.L.C. Attorneys at Law, New York, NY 10169
Brendan Chao, Attorney
(Testified for the defendant, Foam Products, concerning shipper responsibility
to know unloading conditions and train employees of customers in unloading
products)

(Cont.)

Page Eight

Cases in which Roland B. Brown has testified

- 2005 **UNITED STATES DISTRICTS COURT SOUTHERN DISTRICT OF FLORIDA, MIAMI DIVISION**
CASE NO.: 04-21798-COOKE/BROWN
Law Offices of David L. Mazaroli; David L. Mazaroli, Attorney,
New York, NY 10007
HEWLETT-PACKARD CO., as successor-in-interest of COMPAQ COMPUTER CORP., ACE INSURANCE S.A., as subrogee of HEWLETT-PACKARD CO., and as assignee of AIR EXPRESS INTERNATIONAL USA, INC. f/k/a DANZAS AEI INTERNATIONAL, v. BROTHER'S TRUCKING ENTERPRISE4S, INC., and SALEM LOGISTICS, INC.
(Testified for the plaintiff concerning proper policies, procedures and regulations of a freight broker in the selection of a motor carrier)
- 2005 **IN THE 352nd DISTRICT COURT OF TARRANT COUNTY, TEXAS**
Kuzmich Law Firm, P. C., Steve Kuzmich, Attorney at Law, Lewisville, TX 75075
Mailan Wibisono, Individually, and on behalf of Minor Children, Nathan Drew Wibisono and Arya Lee Wibisono, and on behalf of all known heirs of Pandu Wibisono, Asagiri Wibisono and Simona Wibisono, Plaintiffs; vs. Jeffrey Crayton Jackson, Nextel Communications, Inc., and Nextel of Texas, Inc.; Defendants
(Testified for the plaintiffs concerning proper and adequate motor fleet safety training; proper instructions and training concerning "distracted driving" of a motor fleet vehicle, and, specifically, the distraction of use of cell phones, two-way radios and computers while driving a motor fleet vehicle.)
- 2005 **CIRCUIT COURT 7th JUDICIAL CIRCUIT, IN AND FOR PUTMAN COUNTY, FLORIDA, DIVISION: 53 - Case No.: 03-646-CA**
Coker, Myers, Schickel, Sorenson & Green, P. A., Attorneys at Law
Charles A. Sorenson, Attorney at Law
Jacksonville, FL 32201
Charles Kenneth Stevens and Cloeva Stevens, Plaintiffs,
vs. Pritchett Trucking, Inc., a Florida Corporation; Commercial Carrier Corporation, a Florida Corporation; Roger D. Collins, an individual, and Alfred Watkins, an individual, Defendants
(Testified on behalf of the plaintiffs, concerning proper and safe driver hiring, training, supervising, re-training, and training drivers for careful, cautious and prudent driving in all types of weather. Also, concerning management and safety programs designed and implemented by companies.)

(Cont.)

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Cases in which Roland B. Brown has testified

- 2005 **CIRCUIT COURT OF PLATTE COUNTY, MISSOURI**
AT PLATTE CITY - Case No. 03CV82478, Division II
Poland, Wickens, Eisfelder, Roper & Hofer, P. C. Attorneys at Law
William F. Logan, Attorney at Law
Kansas City, MO 64105
Donald McLaughlin, Plaintiff; vs. Penske Truck Leasing Co. L. P., a
Delaware Corporation a/k/a and d/b/a Penske Logistics LLC;
TCV, Inc., d/b/a Triple Crown Services, a Delaware Corporation;
Gary McMichaels, an individual; and Gerald M. Healey, an individual
(Testified on behalf on the Defendants, Penske Trucking Leasing and Penske
Logistics, concerning safe operation of tractor-trailers in unusual conditions,
specifically, attempting to free frozen brakes; and the responsibility
of "third party" having a duty to assure their own safety and avoid putting
themselves in "harms-way", when he/she is not directly involved or
responsible for the actions of the logistics (transportation) company.)
- 2005 **IN THE CIRCUIT COURT FOR SUMNER COUNTY, TENNESSEE**
CASE NO. 25619-C
Boult, Cummings, Conners & Berry, PLC
George H. Nolan, Attorney at Law and Joseph G. DeGaetano, Attorney at Law
Nashville, TN 37203
LaVeishea Woodmore, and Nicolet Horton, a minor, by his next friend,
grandmother, and legal custodian, Leslie Rickman, Plaintiffs
v. Nickolas E. Hoadley and Garrott Bros. Co9ntinuous Mix, Inc., Defendants
(Testified on behalf of the Plaintiffs, concerning the lack of an adequate motor
safety and management program and the failure to properly screen, hire, train,
and supervise drivers of commercial motor vehicles on the part of the
Defendants.)

LIST OF DOCUMENTS REVIEWED BY ROLAND BROWN
EXPERT WITNESS FOR THE PLAINTIFFS

1. Copy of Alabama Uniform Traffic Accident Report, with drawings, dated 4/11/2005
2. Copy of complaint, filed in Circuit Court, but transferred to Federal Court
3. Copy of response to plaintiff's second request for admissions, General Objections, dated 8/1/2005
4. Response to plaintiff's first request for admissions, dated 8/1/2005
5. Response to plaintiff's second interrogatories, dated 8/23/2005
6. Response to plaintiff's first request for production of documents, dated 8/26/2005
7. Response to plaintiff's first interrogatories, General Objections, dated 8/26/2005
8. Response to plaintiff's second request for production of documents, dated 8/26/2005
9. Copies of tractor and trailer title - registration - cab card (apportioned)
10. Copy of Benton Express Employee Handbook (Bates Stamp Benton 001)
11. Copy of drug & alcohol testing policy - Driver Handbook - J. J. Keller & Associates
12. Copy of Benton Express Driver & Cargo Security Policy - HM232 (Bates Benton #083)
13. Copy of Benton Express Hazardous Materials Training Manual (Bates Benton #100)
14. Copy of Benton Express Driver Training Manual (Bates Benton #128)
15. Copy of personnel file of Craig Anthony Stephens (Bates Benton #202)
16. Copy of Driver Sign-in - Sign-out Sheets - April, 2005 (Partial) (Bates Benton #400)
17. Copy of freight bills & bills of lading - April, 2005 (Bates Benton #408)
18. Copy of Benton Express partial ICC Permit No. MC-110410 (Bates Benton #431)
19. Copies of information from "Safer Web" "SafeStat" System from the internet (DOT internet information)
20. Copy of note from Garlin McLellan (another Benton driver) to Craig Stephens (Bates Benton #432)
21. Copy of Benton Express Accident Registry - 2005 (Bates Benton #433)
22. Copy of Nextel Communications telephone bill for parts of March/April, 2005 (Bates Benton #434)
23. Copies of maintenance records & inspection reports from Benton Express - Unit #546 (Bates Benton #485)
24. Copy of Benton Express Fuel Tax Records, dated 01/31/05 & 05/02/05 (Bates Benton #608)

25. Copies of Craig Stephens' Driver's Daily Logs for April, 2005
26. Copies of Craig Stephens' Driver's Daily Logs for March, 2005
27. Copies of Craig Stephens' Driver's Daily Logs for February, 2005
28. Copies of Craig Stephens' Driver's Daily Logs for January, 2005
29. Copies of Craig Stephens' Driver's Daily Logs for December, 2004
30. Copies of Craig Stephens' Driver's Daily Logs for November, 2004
31. Copies of Craig Stephens' Driver's Daily Logs for October, 2004
32. Copies of Craig Stephens' over-the-road manifest for March, 2005
33. Copies of Craig Stephens' over-the-road manifest for February, 2005
34. Copies of Craig Stephens' over-the-road manifest for January, 2005
35. Copies of Craig Stephens' over-the-road manifest for December, 2004
36. Copies of Craig Stephens' over-the-road manifest for November, 2004
37. Copies of Craig Stephens' over-the-road manifest for October, 2004
38. Copy of Craig Stephens' daily trip log - April, 2005
39. Copy of Atlanta Police Dept. Incident Report, dated April 10, 2005
40. Copies of printed pages from Benton Express, Inc.'s website
41. Photograph CD of scene of accident & vehicles & audio CD of 2 conversations between Glen Clark and a representative of the Florida Highway Patrol Communications Center
42. Copies of information obtained from the internet concerning "global positioning systems" and information concerning QualComm
43. Copy of 49CFR, Code of Federal Regulations - Transportation
44. Copy of J. J. Keller & Associates, Inc. Federal Motor Carrier Safety Regulations Handbook
45. Motor Fleet Safety Manual, Fourth Edition, published by National Safety Council
46. Copies of sections from Motor Fleet Safety Manual, 3rd Edition, published by National Safety Council
47. A collection of various industry-leading publications, particularly "Transport Topics", a weekly publication of the American Trucking Association with references to "global positioning systems" and QualComm

**CURRICULUM VITAE
MARY P. STIRLING
M.P. STIRLING CONSULTING, LLC
TRAFFIC ACCIDENT ANALYSIS & RECONSTRUCTION**

9 CRESTWOOD COURT
MILLBROOK, ALABAMA 36054
(334)318-0805
Fax (334)290-1913

EMPLOYMENT

1972 – 1976: ALABAMA DEPARTMENT OF PUBLIC SAFETY
HIGHWAY PATROL DIVISION, HUNTSVILLE POST

DUTIES: ACCOUNTING, RECORDS MANAGEMENT, REPORT
WRITING.

1977 MARTINSON & BEASON, ATTORNEYS-AT-LAW, HUNTSVILLE, ALABAMA.

DUTIES: LEGAL SECRETARY. PREPARATION OF WILLS, DEEDS, LETTERS
OF INCORPORATION, OTHER LEGAL DOCUMENTS. PREPARE DOCUMENTS
FOR REAL ESTATE CLOSINGS.

ALABAMA DEPARTMENT OF PUBLIC SAFETY

1978 – 1981: DRIVER LICENSE DIVISION, HUNTSVILLE POST

DUTIES: ADMINISTER DRIVER LICENSE EXAMINATIONS

1981 – 1984: DRIVER LICENSE DIVISION, MONTGOMERY POST

DUTIES: ADMINISTER DRIVER LICENSE EXAMINATIONS

1985 – 1992: HIGHWAY PATROL DIVISION, MONTGOMERY POST, ELMORE
COUNTY

DUTIES: AFTER COMPLETING SIX MONTHS OF STATE TROOPER RECRUIT
SCHOOL, PRIMARY DUTIES AS A STATE TROOPER WERE TO PATROL THE
HIGHWAYS, ENFORCE TRAFFIC AND CRIMINAL LAWS, INVESTIGATE
TRAFFIC ACCIDENTS, AND ASSIST MOTORISTS. ASSIGNED ADDITIONAL
DUTY AS A TRAFFIC HOMICIDE INVESTIGATOR IN 1987 AND TRAFFIC
ACCIDENT RECONSTRUCTIONIST IN 1989 AFTER EXTENSIVE TRAINING.
INVESTIGATED AND RECONSTRUCTED SERIOUS TRAFFIC ACCIDENTS
INVOLVING SERIOUS INJURY OR DEATH. PRESENTED CASES WHICH
WARRANTED PROSECUTION TO GRAND JURIES AND TESTIFIED IN
CRIMINAL COURTS AS AN EXPERT WITNESS REGARDING TRAFFIC
ACCIDENT RECONSTRUCTION AND VEHICLE DYNAMICS. TESTIFIED
IN DEPOSITIONS AND CIVIL COURTS REGARDING TRAFFIC ACCIDENT
INVESTIGATION AND RECONSTRUCTION.

1993 SPECIAL INVESTIGATIONS UNIT, DEPARTMENT OF PUBLIC SAFETY, OFFICE OF THE DIRECTOR, HEADQUARTERS, MONTGOMERY.

DUTIES: PLAINCLOTHES STATE TROOPER INVESTIGATOR INVESTIGATING WHITE COLLAR CRIME IN STATE GOVERNMENT. CONDUCTED BACKGROUND INVESTIGATIONS ON APPLICANTS FOR STATE JUDGESHIPS TO BE APPOINTED BY THE GOVERNOR. CONDUCTED INVESTIGATIONS OF DEATH THREATS RECEIVED BY THE GOVERNOR'S OFFICE. CONDUCTED INVESTIGATIONS INVOLVING ETHICS VIOLATIONS BY STATE OFFICIALS.

1993-1995: ALABAMA CRIMINAL JUSTICE TRAINING CENTER, SELMA, ALABAMA

DUTIES: PROMOTED TO STATE TROOPER CORPORAL, ASSIGNED TO THE TRAINING CENTER AS AN INSTRUCTOR. COMPLETED THE UNITED STATES AIR FORCE ACADEMIC INSTRUCTOR SCHOOL, THE ALABAMA PEACE OFFICERS STANDARD AND TRAINING SCHOOL AND SEVERAL SPECIALIZED INSTRUCTOR SCHOOLS. RESPONSIBLE FOR THE CARE, WELFARE AND TRAINING OF TROOPER RECRUITS AND MINIMUM STANDARDS OFFICERS. CONDUCTED IN-SERVICE TRAINING FOR EXISTING TROOPERS. COURSES OF INSTRUCTION INCLUDED (1) ACCIDENT INVESTIGATION, (2) TRAFFIC HOMICIDE INVESTIGATION, (3) TRAFFIC AND CRIMINAL LAWS, (4) INTERVIEW & INTERROGATION TECHNIQUES, (5) EFFECTIVE WRITING, (6) CASE PREPARATION, (7) PURSUIT DRIVING/VEHICLE DYNAMICS, (8) DEFENSIVE DRIVING, (9) DEFENSIVE TACTICS, (10) PHYSICAL TRAINING, AND (11) FIREARMS TRAINING.

1995 – 1998: HIGHWAY PATROL DIVISION, MONTGOMERY POST

DUTIES: STATE TROOPER CORPORAL RESPONSIBLE FOR 47 TROOPERS IN FIVE COUNTIES. PROVIDED ADVICE AND GUIDANCE WHEN WARRANTED; RESPONDED TO ALL FATAL ACCIDENT SCENES TO ASSIST WITH INVESTIGATIONS; MONITORED ACTIVITY OF TROOPERS, CHECKED INVESTIGATIVE REPORTS AND ACCIDENT REPORTS FOR ACCURACY AND THOROUGHNESS; CONDUCTED INTERNAL INVESTIGATIONS AND INVESTIGATED COMPLAINTS; PROVIDED TRAINING ON THE POST LEVEL IN ACCIDENT RECONSTRUCTION AND RADAR OPERATION; SERVED AS TRAFFIC HOMICIDE COORDINATOR FOR MONTGOMERY POST ASSISTING TRAFFIC HOMICIDE INVESTIGATORS AND RECONSTRUCTIONISTS WITH INVESTIGATIONS BY ANALYZING INFORMATION, OFFERING DIRECTION, AND CONDUCTING TECHNICAL RECONSTRUCTION OF ACCIDENTS. ENSURED ALL TRAFFIC HOMICIDE AND RECONSTRUCTION INVESTIGATIONS WERE CONDUCTED IN A THOROUGH, ACCURATE AND TIMELY MANNER. ADJUNCT INSTRUCTOR AT THE CRIMINAL JUSTICE TRAINING CENTER FOR ACCIDENT INVESTIGATION, TRAFFIC HOMICIDE INVESTIGATION, DEFENSIVE DRIVING AND PURSUIT DRIVING. RADAR INSTRUCTOR FOR THE MONTGOMERY POST. SERVED AS AN ASSESSOR ON THE CORPORAL'S PROMOTION BOARD FOR THE MONTGOMERY POLICE DEPARTMENT AS A REPRESENTATIVE OF THE ALABAMA DEPARTMENT OF PUBLIC SAFETY.

1998 – 2001: HIGHWAY PATROL DIVISION, DECATUR POST

DUTIES: PROMOTED TO TROOPER SERGEANT AND ASSIGNED DECATUR POST AS POST COMMANDER. RESPONSIBLE FOR 36 TROOPERS, THREE CORPORALS, SIX COMMUNICATIONS OFFICERS IN FOUR COUNTIES. DIRECTED ENFORCEMENT OPERATIONS. PLATOON SERGEANT FOR SPECIAL OPERATIONS UNIT (NATURAL DISASTER AND RIOT CONTROL), TRAFFIC HOMICIDE COORDINATOR FOR DECATUR POST; COORDINATOR FOR POST DRUG INTERDICTION TEAM; CONTINUED TO RESPOND TO FATAL ACCIDENTS, ASSISTING TROOPERS WITH INVESTIGATIONS AND CONDUCTING TECHNICAL ACCIDENT RECONSTRUCTIONS; CONDUCTED POST LEVEL ACCIDENT RECONSTRUCTION TRAINING; TESTIFIED IN CRIMINAL COURTS AS AN EXPERT WITNESS IN ACCIDENT RECONSTRUCTION AND VEHICLE DYNAMICS; SERVED ON THE ALABAMA COUNCIL FOR CHILDREN AS A REPRESENTATIVE OF THE DIRECTOR OF PUBLIC SAFETY; SERVED AS AN ASSESSOR ON THE SERGEANT'S PROMOTION BOARD FOR THE STATE OF GEORGIA AS A REPRESENTATIVE OF THE ALABAMA DEPARTMENT OF PUBLIC SAFETY.

2001-PRESENT: M.P. STIRLING CONSULTING, LLC, MILLBROOK, ALABAMA.

SELF-EMPLOYED AS A TRAFFIC ACCIDENT RECONSTRUCTIONIST WORK-
IN THE PRIVATE SECTOR.

PROFESSIONAL EXPERTISE

I RETIRED FROM THE ALABAMA DEPARTMENT OF PUBLIC SAFETY AFTER TWENTY- EIGHT YEARS OF SERVICE. DURING 16 YEARS AS A STATE TROOPER, I INVESTIGATED AND/OR RECONSTRUCTED OVER 3,000 TRAFFIC ACCIDENTS. SINCE MY RETIREMENT ON JULY 1, 2001, I HAVE RECONSTRUCTED OVER SEVENTY TRAFFIC ACCIDENTS FOR LAW FIRMS, INSURANCE COMPANIES, THE ALABAMA DEPARTMENT OF TRANSPORTATION AND PRIVATE CITIZENS.

I HAVE COMPLETED OVER 1,000 HOURS OF SPECIALIZED EDUCATION IN THE FIELD OF TRAFFIC ACCIDENT RECONSTRUCTION.

DURING MY TENURE WITH THE DEPARTMENT OF PUBLIC SAFETY, I SERVED FOR TWO YEARS AS A FULL TIME INSTRUCTOR AT THE ALABAMA CRIMINAL JUSTICE TRAINING CENTER IN SELMA, ALABAMA, WHERE I TAUGHT ACCIDENT INVESTIGATION, TRAFFIC HOMICIDE INVESTIGATION, DEFENSIVE DRIVING, PURSUIT DRIVING/VEHICLE DYNAMICS. ACCIDENT INVESTIGATION/TRAFFIC HOMICIDE TRAINING WAS CONDUCTED IN THE CLASSROOM AS WELL AS IN THE FIELD WHERE TECHNIQUES AND EQUATIONS WERE TESTED AND PROVED. AFTER LEAVING THE TRAINING CENTER, I CONTINUED TO SERVE AS AN ADJUNCT INSTRUCTOR AT THE TRAINING CENTER IN ACCIDENT INVESTIGATION, TRAFFIC HOMICIDE INVESTIGATION, DEFENSIVE DRIVING AND PURSUIT DRIVING/VEHICLE DYNAMICS. I CONDUCTED ACCIDENT INVESTIGATION/RECONSTRUCTION TRAINING ON THE POST LEVEL THROUGHOUT MY CAREER AS A TROOPER CORPORAL AND SERGEANT. AS TRAFFIC HOMICIDE COORDINATOR AT BOTH THE MONTGOMERY AND DECATUR TROOPER POSTS, I WAS RESPONSIBLE FOR THE ACCURACY OF TRAFFIC HOMICIDE INVESTIGATIONS AND TRAFFIC ACCIDENT RECONSTRUCTIONS BEFORE THEY WERE FORWARDED TO HEADQUARTERS.

I HAVE DESIGNED TRAFFIC ACCIDENT INVESTIGATION COURSES APPROVED BY THE PEACE OFFICERS STANDARDS AND TRAINING COMMISSION, AND TAUGHT THOSE COURSES TO HUNDREDS OF ALABAMA STATE TROOPERS AND POLICE OFFICERS FROM AGENCIES THROUGHOUT THE STATE OF ALABAMA.

I HOLD SPECIALIZED INSTRUCTOR CERTIFICATIONS FROM THE ALABAMA PEACE OFFICERS STANDARDS AND TRAINING COMMISSION AND THE UNITED STATES AIR FORCE ACADEMIC INSTRUCTOR SCHOOL.

I SERVED ON THE ALABAMA DEPARTMENT OF PUBLIC SAFETY ACCIDENT REVIEW BOARD WHICH IS RESPONSIBLE FOR EXAMINING THE CAUSATION OF TROOPER ACCIDENTS AND MAKING RECOMMENDATIONS TO THE DIRECTOR FOR TRAINING AND DISCIPLINARY ACTION.

I SERVED AS A CHARTER MEMBER OF THE ALABAMA STATE TROOPER MAJOR ACCIDENT INVESTIGATION TEAM WHICH WAS FORMED IN 1998.

I HAVE BEEN QUALIFIED AS AN EXPERT WITNESS IN THE FIELD OF TRAFFIC ACCIDENT RECONSTRUCTION IN CRIMINAL AND CIVIL COURTS IN THE STATE OF ALABAMA. I HAVE TESTIFIED IN DEPOSITIONS AND CIVIL COURTS THROUGHOUT MY CAREER AND SINCE ENTERING THE PRIVATE REALM.

I AM A MEMBER OF THE NATIONAL ASSOCIATION OF PROFESSIONAL ACCIDENT RECONSTRUCTION SPECIALISTS.

COMMENDATIONS

"TRUSTWORTHY & LOYAL ASSISTANCE", GOVERNOR ORR OF NEBRASKA, 1988

"TROOPER OF THE YEAR", ALABAMA STATE TROOPER ASSOCIATION, 1989

"SAFE DRIVING AWARD", ALABAMA DEPARTMENT OF PUBLIC SAFETY, 1989

"NELLIE MOBLEY SAFETY AWARD NOMINEE", MONTGOMERY POST COMMANDER, 1989

"METICULOUS & DETAILED WORK", DISTRICT ATTORNEY JANICE CLARDY, 1989

"HARD WORK, PROFESSIONALISM AND UNIQUE ASSISTANCE", COLONEL CLARENCE BENHAM, UNITED STATES AIR FORCE, OFFICE OF SPECIAL INVESTIGATIONS, 1990

"PERFORMANCE IN A PROFESSIONAL MANNER", NATIONAL GOVERNORS CONFERENCE, 1990

"PROFESSIONAL COMMITMENT TOWARD A SUCCESSFUL SOUTHERN GOVERNOR'S CONFERENCE", SHERRI MERIWETHER, AUBURN UNIV. AT MONTGOMERY, 1993

"ASSISTANCE RENDERED ABOVE AND BEYOND THE CALL OF DUTY" DURING ELECTRIC SERVICE RESTORATION FOLLOWING HURRICANE OPAL, ALABAMA POWER COMPANY, 1995

"EXCELLENT PREPARATION, COORDINATION AND PRESENTATION OF DPS TRAFFIC HOMMICIDE COURSE", ALABAMA D.P.S., APRIL, 1996 CLASS AND JULY, 1996 CLASS.

"INVALUABLE PRESENTATION ON PEDESTRIAN ACCIDENT INVESTIGATION" TO TROOPER RECRUIT CLASSES 96-A & 97-A, ALABAMA D.P.S., 1997

"PROFESSIONAL MANNER AND ASSISTANCE" IN TEACHING TRAFFIC HOMICIDE COURSE, ALABAMA D.P.S., 1997

"SAFE DRIVING AWARD", ALABAMA DEPARTMENT OF PUBLIC SAFETY, 1999

EDUCATION

GRADUATED LEXINGTON HIGH SCHOOL, LEXINGTON, ALABAMA, IN 1967.

ATTENDED ALVERSON-DRAUGHON BUSINESS COLLEGE IN 1971 – BUSINESS COURSES.

ATTENDED AUBURN UNIVERSITY AT MONTGOMERY IN 1984 – EXERCISE PHYSIOLOGY.

ATTENDED ALABAMA STATE UNIVERSITY IN 1996 & 1997 – PRE ENGINEERING

TROOPER RECRUIT SCHOOL, ALABAMA CRIMINAL JUSTICE TRAINING CENTER, 1985

TRAFFIC HOMICIDE INVESTIGATIONS SCHOOL, A.C.J.T.C., SELMA, 1987

BASIC PHOTOGRAPHY, A.C.J.T.C., SELMA, 1987

D.U.I. INSTRUCTOR SCHOOL, INSTITUTE OF POLICE TECHNOLOGY & MANAGEMENT, (I.P.T.M.), UNIVERSITY OF NORTH FLORIDA, 1988

INTRODUCTION TO TRAFFIC ACCIDENT RECONSTRUCTION, ROAD DEFECTS, NORTHWESTERN UNIVERSITY, 1988

ADVANCED TRAFFIC ACCIDENT INVESTIGATION, I.P.T.M, UNIVERSITY NO. FLORIDA, 1989

VERICOM VC200 ACCELEROMETER FAMILIARIZATION, A.C.J.T.C., 1989

TRAFFIC ACCIDENT RECONSTRUCTION, I.P.T.M., UNIV. NO. FLORIDA, 1989

COMMERCIAL VEHICLE ACCIDENT INVESTIGATION, I.P.T.M., UNIV. NO. FLORIDA, 1989

FIREARMS INSTRUCTOR CERTIFICATION, A.C.J.T.C., SELMA, AL., 1990

SEARCH WARRANT PREPARATION SCHOOL, A.C.J.T.C., SELMA, AL., 1991

FINGERPRINTING TECHNIQUES, A.C.J.T.C., SELMA, AL., 1991

KINESIC TECHNIQUE OF INTERVIEW & INTERROGATION, PROFESSIONAL TRAINING INSTITUTE, BIRMINGHAM, AL., 1991

COMPUTER TRAINING, ALABAMA DEPARTMENT OF PUBLIC SAFETY, MONTGOMERY, 1991

UNDERWATER EVIDENCE PRESERVATION/COLLECTION SCHOOL, ALABAMA DPS, 1991

BASIC CRIMINAL INVESTIGATION, ALABAMA BUREAU OF INVESTIGATION, 1991

FIELD TRAINING OFFICER SUPERVISOR COURSE, ALABAMA D.P.S., SELMA, AL., 1991

FIREARMS INSTRUCTOR RECERTIFICATION COURSE, ALABAMA D.P.S., 1992

AIR UNIVERSITY ACADEMIC INSTRUCTOR SCHOOL, UNITED STATES AIR FORCE,
MAXWELL AIR FORCE BASE, MONTGOMERY, AL., 1993

RADAR INSTRUCTOR SCHOOL, ALABAMA D.P.S., 1993

MID-LEVEL MANAGEMENT SCHOOL, I.P.T.M., UNIV. NO. FLORIDA, 1993

SPECIALIZED INSTRUCTOR SCHOOL, PEACE OFFICERS STANDARDS AND TRAINING
COMMISSION, MONTGOMERY, ALABAMA, 1994

SPECIAL PROBLEMS IN TRAFFIC ACCIDENT RECONSTRUCTION, I.P.T.M., UNIV. NO
FLORIDA, 1994

PHYSICAL FITNESS SPECIALIST, COOPER INSTITUTE FOR AEROBIC RESEARCH, DALLAS,
TEXAS, 1994

ADVANCED PHYSICAL FITNESS SPECIALIST, COOPER INSTITUTE FOR AEROBIC RESEARCH,
DALLAS, TEXAS, 1994

PPCT DEFENSIVE TACTICS SYSTEM INSTRUCTOR, PPCT MANAGEMENT SYSTEMS, INC.,
MILSTADT, ILLINOIS, 1994

PPCT SPONTANEOUS KNIFE DEFENSE SYSTEM INSTRUCTOR, PPCT MANAGEMENT
SYTEMS, MILLSTQADT, ILLINOIS, 1994

TRAFFIC HOMICIDE SCHOOL, ALABAMA D.P.S., 1994

INERVIEW/INTERROGATION SCHOOL, I.P.T.M., UNIV. NO. FLORIDA, 1994

TRAVELILNG CRIMINAL APPREHENSION PROGRAM, REGIONAL COUNTERDRUG TRAINING
ACADEMY, MERIDIAN, MISSISSIPPI, 1994

COMPUTER COURSE, ALABAMA D.P.S., 1994

HOSTAGE NEGOTIATIONS FIRST RESPONDER, HOSTAGE NEGOTIATORS OF AMERICA,
MONTGOMERY, ALABAMA, 1994

TRAFFIC HOMICIDE SCHOOL, ALABAMA D.P.S., SELMA, AL., 1995

INTRODUCTION TO POWER POINT, MANTECH FIELD ENGINEERING CORPORATION,
MONTGOMERY, ALABAMA, 1995

NORTH AMERICAN STANDARD INTERPRETATIONS OF FEDERAL MOTOR CARRIER
REGULATIONS, U.S. DEPT. OF TRANSPORTATION, WASHINGTON, D.C., 1995

INVESTIGATION OF PEDESTRIAN ACCIDENTS AND HUMAN FACTORS, I.P.T.M., UNIV. NO.
FLORIDA, 1995

SPECIAL PROBLEMS IN TRAFFIC ACCIDENT RECONSTRUCTION, I.P.T.M., UNIV. NO.
FLORIDA, 1995

TRAFFIC HOMICIDE SCHOOL, ALABAMA D.P.S., SELMA, AL. 1995

SPECIAL PROBLEMS IN TRAFFIC ACCIDENT RECONSTRUCTION, I.P.T.M., UNIV. NO. FLORIDA, 1996

FIELD TRAINING OFFICER SUPERVISOR SCHOOL, ALABAMA D.P.S., SELMA, AL., 1997

ACCIDENT RECONSTRUCTION THROUGH THE USE OF MICROCOMPUTERS, I.P.T.M., UNIV. NO. FLORIDA, 1997

PERFORMANCE PLANNING AND APPRAISAL TRAINING, ALABAMA D.P.S., SELMA, AL., 1997

SPECIAL OPERATIONS TRAINING, ALABAMA D.P.S., SELMA, AL., 1998

CRISIS MANAGEMENT, FEDERAL BUREAU OF INVESTIGATION, BIRMINGHAM, AL., 1998

LAW ENFORCEMENT MANAGEMENT TRAINING, ALABAMA D.P.S., SELMA, AL., 1999

ACCIDENT RECONSTRUCTION THROUGH THE USE OF MICROCOMPUTERS REFRESHER, I.P.T.M., UNIV. NO. FLORIDA, 2000

LINEAR MOMENTUM & CRUSH ANALYSIS, I.P.T.M., UNIV. NO. FLORIDA, 2000

HIGHWAY DRUG INTERDICTION SCHOOL, U.S. DRUG ENFORCEMENT AGENCY, BIRMINGHAM, ALABAMA, 2000

COMMERCIAL VEHICLE DRUG INTERDICTION INTELLIGENCE NETWORKING & TRAINING CONFERENCE, LOUISIANA STATE POLICE, NEW ORLEANS, LA., 2000

COMMUNITY ORIENTED POLICING FOR DIVERSE POPULATIONS, PROFESSIONAL SERVICES, BIRMINGHAM, AL., 2000

LEADING LAW ENFORCEMENT INTO THE TWENTY-FIRST CENTURY, I.P.T.M., UNIV. NO. FLORIDA, 2000

SOUTHEASTERN COLLISION RECONSTRUCTION CONFERENCE, SOUTH CAROLINA ACCIDENT RECONSTRUCTION SPECIALISTS, SOUTH CAROLINA HIGHWAY PATROL, 2001

YEARLY IN-SERVICE TRAINING SCHOOLS IN ACCIDENT INVESTIGATION, PURSUIT DRIVING, DEFENSIVE DRIVING, FIREARMS, TRAFFIC LAWS AND OTHER LAW ENFORCEMENT RELATED SUBJECTS, 1985 – 2001

SPECIAL PROBLEMS IN TRAFFIC ACCIDENT RECONSTRUCTION, I.P.T.M., UNIV. NO. FLORIDA, 2003

CDR SYSTEM OPERATOR'S CERTIFICATION COURSE, I.P.T.M., UNIV. NO. FLORIDA, 2005

MARY P. STIRLING
EXPERT TESTIMONY

CASE NAME	DATE	TESTIMONY FOR
1. State of Alabama vs Harold Clutter (Chilton Co., Alabama)	1989	State
2. State of Alabama vs John Lambert Youngblood (Autauga Co, Alabama)	1989 or 1990	State
3. State of Alabama vs Roger Dale Shirley (Elmore Co., Alabama)	1990	State
4. State of Alabama vs William Thomas Ingram (Elmore Co., Alabama)	1993	State
5. State of Alabama vs Joe Dixon (Lowndes County, Alabama)	November, 1998	State
6. Brian Hamner vs Cummulus Broadcasting (Montgomery, Al.)	01-09-2003	Defense
7. Bernice Moore vs. Daphne Dehnad, et al (Montgomery, Al)	08-28-2003	Plaintiff
8. Reba Wilson vs. Alabama Dept. of Transportation (Montgomery, Al.)	11-06-2003	Defense
9. Tomlinson vs. Mutual Oil Co. (Jefferson County, Al.)	04-09-2004	Defense
10. Clara Merklinger vs. Reed Contracting (Madison County)	12-14-2004	Defense
11. Brian Smith vs. Jimmy Day Plumbing (Coosa County)	01-27-2005	Defense